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Paper No.

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MAR 31 2008

**OFFICE OF PETITIONS**

In re Application of :  
Kia Silverbrook :  
Application No. 10/510,098 : DECISION ON PETITION  
Filed: December 8, 2004 : PURSUANT TO  
Attorney Docket Number: MJ87US : 37 C.F.R. § 1.137(a)  
Title: INK JET NOZZLE ASSEMBLY :  
INCLUDING DISPLACEABLE INK :  
PUSHER :  
:

This is a decision on the petition filed August 12, 2007,  
pursuant to 37 C.F.R. § 1.137(a)<sup>1</sup>, to revive the above-  
identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to  
reply in a timely manner to the notice of non-compliant  
amendment, mailed September 21, 2006, which set a period for

<sup>1</sup> A grantable petition pursuant to 37 C.F.R. § 1.137(a) must be accompanied  
by:

- (1) The reply required to the outstanding Office action or notice,  
unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(l);
- (3) A showing to the Commissioner that the entire delay in filing the  
required reply from the due date for the reply until the filing of  
a grantable petition was unavoidable;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R.  
§ 1.20(d)) required pursuant to paragraph (d) of this section.

reply of one month. No response was received, and no extensions of time under 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on October 22, 2006.

With this petition, Petitioner has set forth that the mailing was not received. The electronic file has been reviewed, and it is clear that the Office communication was returned to the Office by the United States Postal Service on September 27, 2006. Although the envelope does not appear to contain a stamp that indicates the reason that it was returned, it has been noted by the undersigned that "NSW" was omitted from the address. Office records have been updated accordingly. As such, Petitioner has established that the entire period of delay was unavoidable.

Moreover, Petitioner has submitted the petition fee and a response to the notice of non-compliant amendment.

Petitioner has met requirements (1) - (3) of Rule 1.137(a). The fourth requirement is not applicable.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the response to the notice of non-compliant amendment, which was received with this petition, can be processed.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225<sup>2</sup>. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

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<sup>2</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.